

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.06.2017

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.1633 of 2017

and

W.M.P. Nos. 1597 and 7959 of 2017

Lakshmi

... Petitioner

vs.

1. The Chairman
Tamil Nadu Electricity Board
Chennai - 02
2. The Superintendent Engineer
Udumalpet Power Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited,
Udumalpet, Tiruppur District
3. The Executive Engineer
Udumalpet Power Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited,
Dharapuram, Tiruppur District
4. The Assistant Executive Engineer
Udumalpet Power Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Limited,
Dharapuram, Tiruppur District
5. The Assistant Electricity Engineer
Office of Ponnivadi Electricity Board
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Ponnivadi Post, Dharapuram Taluk
Tiruppur District.

6. A. Ramasamy

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus forbearing the respondents 1 to 5 from providing service connection without consent of petitioner to the common well situated at

R.S.No.282/2 in Koneripatti village of Ponnivadi Post of Dharapuram Taluk of Tiruppur District by considering the representation of petitioner dated 16.08.2016.

For Petitioners : Mr.N.Manokaran

For R1 to R5 : Mr. S.K. Raameshwar

For R6 : Mr. S.Saravanan

O R D E R

Heard the learned counsel appearing for the petitioner, the learned standing counsel appearing for the respondents 1 to 5 / Electricity Board and the learned counsel appearing for the 6th respondent. With the consent of learned counsel appearing for the parties, the main writ petition itself is taken up for disposal.

2. The instant Writ of Certiorari has been filed forbearing the respondents 1 to 5 / Electricity Board from providing service connection, without consent of the petitioner, to the common well situated at R.S.No.282/2 in Koneripatti Village of Ponnivadi Post of Dharapuram Taluk of Tiruppur District by considering the representation of petitioner dated 16.8.2016.

3. When the matter is taken up today, the son of the petitioner as well as the son of the 6th respondent were present.

4. It appears that there is a dispute between the petitioner and the 6th respondent with regard to the drawing of water from common well and getting electricity connection in the name of the 6th respondent.

5. From the records, it is seen that the 6th respondent has already applied for getting connection from the common well and the same now reached seniority for effecting service connection. At this stage, the brother of the petitioner's husband filed a suit before the District Munsif Court, Dharapuram, and in view of the same, the Electricity Department, namely, the respondents 2 to 5, did not provide service connection.

6. While so, the instant writ petition has been filed by the petitioner herein for a direction to the respondents 1 to 5 not to provide any service connection without the consent of the petitioner, who, being the co-owner of the Well in question.

7. Now, from the arguments advanced across the bar, it comes to light that both parties, namely, the petitioner and the

6th respondent have been drawing water from the common well situated in R.S.No.282/2 on rotation basis all these years by using diesel engine.

8. When the Court posed a specific question to the respective counsels as to why they should not continue the same procedure of rotation basis even after obtaining service connection in any one of the party's name, the son of the petitioner and 6th respondent, who are contesting their respective cases on behalf of their mother and father respectively, appeared before this Court and also filed a joint memo sorting over the difference of opinion and accordingly, they agreed that the petitioner shall not have any objection for effecting service connection in the name of the 6th respondent on the basis of the Application No. 260 / 09.11.1992. Similarly, it is also agreed between the parties that the petitioner also files an application independently for effecting service connection in respect of the Well in question, for which the 6th respondent agreed to give No Objection for providing connection independently to the petitioner and also they agreed to share the water till the petitioner gets connection in the name on rotation basis.

9. In view of the foregoing reasons, this Court is of the view that though the original parties were not present, the writ petition itself can be disposed of in terms of compromise entered into and signed by the sons of the parties.

Accordingly, the writ petition is disposed of. No costs. The respondents 1 to 5 shall expedite the process in effecting connection on merits and in accordance with the law. The Joint Memo filed on behalf of the respective parties shall form part of the record. Connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Chairman
Tamil Nadu Electricity Board
Chennai - 02

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2. The Superintendent Engineer
Udumalpet Power Distribution Circle
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Ponnivadi Post, Dharapuram Taluk
Tiruppur District.

+1cc to Mr.S.Saravanan, Advocate in sr.no.45860

WP.No.1633 of 2017

KS (CO)
NR 03/07/2017

सत्यमेव जयते

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